REMARKS

Applicant respectfully requests reconsideration of the present application. No new matter has been added to the present application. Claims 1-47 have been rejected in the Office Action. No claims have been amended herein. No new claims have been added and no claims have been canceled in this Response. Accordingly, claims 1-47 are pending herein. Claims 1-47 are believed to be in condition for allowance and such favorable action is respectfully requested.

Rejections based on 35 U.S.C. § 102

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdeggal Brothers v. Union Oil co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Claims 1-4, 9, 10, 14-19, 26-28, 30, 31, 33-36, 39-44, 46, and 47 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,978,016 to Lourette et al. (the "Lourette reference"). As the Lourette reference fails to describe, either expressly or inherently, each and every element as set forth in the rejected claims, Applicant respectfully traverses this rejection, as hereinafter set forth.

Initially, independent claim 1 is directed to a method of formatting and transferring image data from a first location to a second location. The method includes retrieving the image data from the first location; receiving a command from a user to save the image data to the second location; in response to the step of receiving a command from a user to save the

image data to the second location, presenting to the user an interface for selecting image data

format settings, wherein the interface also comprises a graphic actuator for receiving a command

from the user to complete the saving of the image data to the second location; receiving a user

selection of a set of image data format settings; formatting the image data in accordance with the

set of image data format settings; and receiving a user command via the graphic actuator for

receiving a command from the user to complete the saving of the image data to the second

location, whereby saving of the image data to the second location is completed.

In contrast, the Lourette reference discloses an electronic camera that incorporates

an internal fixed memory. *See Lourette*, Abstract. The camera may be a hybrid camera that

includes both a photographic film imaging system and a digital imaging system. *See id.* at col. 1,

lines 11-14. The internal fixed memory allows album images to be maintained on the camera at

a lower resolution than a captured image and to be displayed on a display screen on the camera

when selected by a user. *See id.* at Abstract; at col. 1, lines 14-17; col. 1, lines 48-65. The user

may view the appearance of the image on the display screen in either a classic, HDTV, or

panoramic format. *See id.* at col. 17, lines 4-9. Further, the camera may operate in three image

capture modes: a digital capture mode in which digital images are captured and stored; a film

capture mode in which photographic film images are captured as well as film mode digital

images; and a hybrid capture mode in which both hybrid mode digital images and photographic

film images are captured. *See id.* at col. 11, lines 40-51.

It is respectfully submitted that the Lourette reference fails to describe, either

expressly or inherently, each and every element as set forth in independent claim 1. Particularly,

the Lourette reference fails to describe, either expressly or inherently, receiving a <u>command from</u>

<u>a user</u> to save image data retrieved from a first location to a second location, as recited in

independent claim 1. Rather, the Lourette reference is directed to an electronic camera that, depending on the image capture mode, may capture and save an image at a first storage means and then may save the digital image in a fixed memory on the camera at a different resolution, automatically and without user interaction. *See id.* at Abstract. Accordingly, the Lourette reference fails to describe receiving a command from a user to save the data to the second location.

In addition, it is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, in response to the step of receiving a command from a user to save the image data to the second location, presenting to the user an interface for selecting image data format settings, wherein the interface also comprises a graphic actuator for receiving a command from the user to complete the saving of the image data to the second location, as recited in independent claim 1. As noted above, the Lourette reference fails to describe receiving a command from a user to save an image to a second location. Accordingly, the Lourette reference likewise fails to describe presenting an interface in response to a user command to save the image.

The Examiner has indicated element 22 of FIG.3 as the interface presented in response to receiving a user command. However, element 22 of FIG. 3 is a status unit to display a variety of camera status information to a user. *See id.* at col. 5, line 60 through col. 6, line 1. There is no indication in the Lourette reference that the status unit 22 is presented based on a user command. Moreover, the status unit 22, rather than being presented to the user for selecting image data format settings as recited in independent claim 1, displays status information. Further, the status unit 22 does not include a graphic actuator for receiving a command from the

user to complete the saving of image data to a second location as also recited in independent claim 1.

In addition to indicating the status unit 22 of FIG. 3 as the user interface, the Examiner has indicated element 212 of FIG. 11 for selecting image data format settings and has indicated element 208 of FIG. 11 as the graphic actuator for receiving a user command to complete the saving of image data. It should first be noted that neither element 212 nor element 208 of FIG. 11 are presented as a part of the status unit 22 as the Examiner appears to indicate in the Office Action. Instead, both elements are displayed on display unit 36. *See id.* at col. 16, lines 10-37. With respect to element 212 of FIG. 11, the Lourette reference describes the element as an image format function icon that allows a user to enter an image format function in which the user may view the appearance of an image on the display in either a classic, HDTV, or panoramic format. *See id.* at col. 16, lines 4-34; FIG. 13A-13D. This is different from presenting an interface to a user for selecting image data format settings, such as sizing, rotation, compression, padding, alignment, and margins, for example, in which the image will be saved at a second location. Regarding element 208 of FIG. 11, the Lourette reference describes the element as a function data entry area that displays data associated with the selected camera function. *See id.* at col. 16, lines 22-24. The Lourette reference fails to describe the function data entry area 212 as a graphic actuator for receiving a command from the user to complete the saving of the image data to the second location. The function data entry area 212 displays a variety of data rather than receiving a command to complete the saving of image data.

Further, it is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, receiving a user selection of a set of image data format settings, as recited in independent claim 1. The Lourette reference describes allowing a user to view the

appearance of an image in either a conventional, HDTV, or panoramic format on the camera's display. *See id.* at col. 16, lines 4-34; FIG. 13A-13D. As previously mentioned, this is different than a set of image data format settings, such as sizing, rotation, compression, padding, alignment, and margins, for example. Likewise, it is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, formatting the image data in accordance with the set of image data format settings as recited in independent claim 1. Because the Lourette reference fails to describe receiving a set of image data format settings, it accordingly fails to describe formatting image data in accordance with a set of image data format settings.

Still further, the Lourette reference fails to describe, either expressly or inherently, receiving a user command via the graphic actuator for receiving a command from the user to complete the saving of the image data to the second location, whereby saving of the image data to the second location is completed. As noted above, the Lourette reference fails to describe a user interface with a graphic actuator. Accordingly, the Lourette reference also fails to describe completing the saving of the image data to the second location after receiving a user command via a graphic actuator.

As such, it is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, each and every element of independent claim 1, and, as such, claim 1 is not anticipated by the Lourette reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b). Claim 1 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 2-4, 9, 10, and 14-16 depends directly or indirectly from independent claim 1, and accordingly, these claims are believed to be in condition for allowance

for at least the above-cited reasons. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejections of these claims as well. In addition, independent claim 47 is directed to computer-readable medium having thereon instructions for performing a method similar to the method of claim 1. Accordingly, independent claim 47 is believed to be in condition for allowance for at least the above-cited reasons, and Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection to independent claim 47 as well.

Referring now to independent claim 17, the claim is directed to a method of automatically transferring image data from an image data source to an image data destination. The method includes reading a task wherein the task describes a scheduled time, an identification of the image data source, an identification of the image data destination, and a set of image data format settings; determining automatically that the scheduled time has arrived; retrieving the image data automatically from the image data source; formatting the image data automatically in accordance with the set of image data format settings; and transferring the image data automatically to the image data destination.

It is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, each and every element as set forth in independent claim 17. Particularly, the Lourette reference fails to describe, either expressly or inherently, reading a task, wherein the task describes a scheduled time, an identification of the image data source, an identification of the image destination, and a set of image data format settings. A task, as used in the present application, is a job to automatically format and transfer image data at a scheduled time. *See Application*, pg. 23, line 19 through pg. 24, line 9. The Lourette reference fails to describe anything similar to a task. As discussed previously, the Lourette reference describes an electronic camera that saves a captured digital image in a fixed internal memory. The reference

does not describe anything similar to a task that describes a scheduled time for the formatting and transfer of an image, the source and destination for the image, and the set of image data format settings to be applied to the image. For example, the Examiner has indicated the timer mode selector switch 30 of FIG. 3 as providing the scheduled time. The Lourette reference does not provide any detail regarding the timer 30, but the switch most likely is a conventional timer for taking pictures, which is nothing similar to a scheduled time for formatting and transferring image data as recited in independent claim 17.

In addition, it is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, determining automatically that the scheduled time has arrived as recited in independent claim 17. As noted above, the scheduled time described by the task dictates when the image data formatting and transfer occurs. The Lourette reference does not describe anything similar to determining a time to format and transfer image data that has arrived. The Examiner notes that "it is inherent that the timer has capability to do count down," presumably referring to the timer 30. *See Office Action*, pg. 6. However, the Lourette reference contains no indication that the timer 30 is intended to indicate a scheduled time for formatting and transferring image data. As mentioned previously, the timer 30 is most likely a conventional timer for taking pictures.

Further, it is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, formatting the image data automatically in accordance with the set of image data format settings as recited in independent claim 17. As noted, the Lourette reference fails to describe a task that includes a set of image data format settings. Therefore, that Lourette reference likewise fails to describe formatting the image data in accordance with a set of image data format settings when a scheduled time has arrived.

As such, it is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, each and every element of independent claim 17, and, as such, independent claim 17 is not anticipated by the Lourette reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claim 17 under 35 U.S.C. § 102(b). Independent claim 17 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 18, 19, 26-28, and 30 depends directly or indirectly from independent claim 17, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejections of these claims as well.

Turning to independent claim 31, the claim is directed to a method for transferring and sharing image data. The method includes receiving image data at a first location, wherein the image data was transferred to the first location from a second location; at the first location, reading a rule correlating a characteristic of the image data with a set of image data format settings and a third location; applying automatically the set of image data format settings to the received image data; and transferring automatically the image data to the third location.

It is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, each and every element as set forth in claim 31. Particularly, the Lourette reference fails to describe, either expressly or inherently, reading a rule correlating a characteristic of the image data with a set of image data format settings and a third location. The Lourette reference fails to disclose anything similar to a rule as that term is used in the present application. The rule defines how to process image data after arriving at a location, including the formatting to apply and the destination for the image data. *See Application*, pg. 33 lines 1-20.

The rule determines what processing to apply to image data based on a characteristic of the image data by correlating the characteristic of image data with both a set of image data format settings that will be applied to the image data and a location where the image data will be saved. *Id.* The Lourette reference fails to describe such a rule. Thus, the Lourette reference likewise fails to describe applying automatically the set of image data format settings based on the rule and transferring automatically the image data to a destination based on the rule.

As such, it is respectfully submitted that the Lourette reference fails to describe, either expressly or inherently, each and every element of independent claim 31, and, as such, independent claim 31 is not anticipated by the Lourette reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claim 31 under 35 U.S.C. § 102(b). Independent claim 31 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 33-36, 39-44, and 46 depends directly or indirectly from claim 31, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejections to these claims as well.

Rejections based on 35 U.S.C. § 103

A.   Applicable Authority

The basic requirements of a *prima face* case of obviousness are summarized in MPEP § 2143 through § 2143.04. In order "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable

expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)". *See* MPEP § 2143. Further, in establishing a *prima face* case of obviousness, the initial burden is placed on the Examiner. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. & Inter. 1985)." *Id. See also* MPEP § 706.02(j) and § 2142.

B.   Rejections based on Lourette in view of Safai

Claims 5-8, 11-13, 22-25, 29, 37, 38 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,016 to Lourette et al. (the "Lourette reference") in view of U.S. Patent No. 6,715,003 to Safai (the "Safai reference"). As a *prima facie* case of obviousness has not been established, Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combination of the Lourette and Safai references fails to teach or suggest all the claim limitations for each of claims 5-8, 11-13, 22-25, 29, 37, 38, and 45. Referring initially to claims 5-8 and 11-13, each of these claims depends, either directly or indirectly, from independent claim 1. The Examiner did not indicate in the Office Action that the Safai reference teaches or suggests any of the limitations from the base claim, independent claim 1. Instead, the

Examiner appears to rely on the Lourette reference for each of these claim limitations. Applicant respectfully submits that the Lourette reference fails to teach or suggest all of the claim limitations from independent claim 1 for at least the reasons cited above with respect to the rejection of independent claim 1 under 35 U.S.C. § 102(b). Therefore, Applicant submits that claims 5-8 and 11-13 are non-obvious over the Lourette reference in view of the Safai reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 5-8 and 11-13 under 35 U.S.C. § 103(a). Claims 5-8 and 11-13 are believed to be in condition for allowance and such favorable action is respectfully requested.

Likewise, each of claims 22-25 and 29 depends, either directly or indirectly, from independent claim 17. The Examiner did not indicate in the Office Action that the Safai reference teaches or suggests any of the limitations from the base claim, independent claim 17. Instead, the Examiner appears to rely on the Lourette reference for each of these claim limitations. Applicant respectfully submits that the Lourette reference fails to teach or suggest all of the claim limitations from independent claim 17 for at least the reasons cited above with respect to the rejection of independent claim 17 under 35 U.S.C. § 102(b). Therefore, Applicant submits that claims 22-25 and 29 are non-obvious over the Lourette reference in view of the Safai reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 22-25 and 29 under 35 U.S.C. § 103(a). Claims 22-25 and 29 are believed to be in condition for allowance and such favorable action is respectfully requested.

Further, each of claims 37, 38, and 45 depends, either directly or indirectly, from independent claim 31. The Examiner did not indicate in the Office Action that the Safai reference teaches or suggests any of the limitations from the base claim, independent claim 31. Instead, the Examiner appears to rely on the Lourette reference for each of these claim

limitations. Applicant respectfully submits that the Lourette reference fails to teach or suggest all of the claim limitations from independent claim 31 for at least the reasons cited above with respect to the rejection of independent claim 31 under 35 U.S.C. § 102(b). Therefore, Applicant submits that claims 37, 38, and 45 are non-obvious over the Lourette reference in view of the Safai reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 37, 38, and 45 under 35 U.S.C. § 103(a). Claims 37, 38, and 45 are believed to be in condition for allowance and such favorable action is respectfully requested.

C.   Rejections Based on Lourette in view of Prestia

Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,016 to Lourette et al. (the "Lourette reference") in view of U.S. Patent No. 5,978,016 to Prestia. (the "Prestia reference"). As a *prima facie* case of obviousness has not been established for these claims, Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combination of Lourette and Prestia fails to teach or suggest all the claim limitations for each of claims 20 and 21. Each of claims 20 and 21 depends directly from independent claim 17. The Examiner did not indicate in the Office Action that the Prestia reference teaches or suggests any of the limitations from the base claim, independent claim 17. Instead, the Examiner appears to rely on the Lourette reference for each of these claim limitations. Applicant respectfully submits that the Lourette reference fails to teach or suggest all of the claim limitations from independent claim 17 for at least the reasons cited above with respect to the rejection of independent claim 1 under 35 U.S.C. § 102(b). Therefore, Applicant submits that claims 20 and 21 are non-obvious over the Lourette reference in view of the Prestia

reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 20 and 21 under 35 U.S.C. § 103(a). Claims 20 and 21 are believed to be in condition for allowance and such favorable action is respectfully requested.

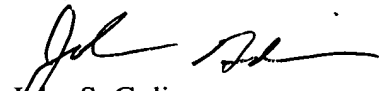### D.   Rejections based on Lourette in view of Official Notice

Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,016 to Lourette et al. (the "Lourette reference") in view of the Official Notice taken by the Examiner. As a *prima facie* case of obviousness has not been established, Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combination of Lourette and the Official Notice taken by the Examiner fails to teach or suggest all the claim limitations for claim 32. Claim 32 depends directly from independent claim 31. The Examiner did not indicate in the Office Action that Official Notice was taken for any of the limitations from the base claim, independent claim 31. Instead, the Examiner appears to rely on the Lourette reference for each of these claim limitations. Applicant respectfully submits that the Lourette reference fails to teach or suggest all of the claim limitations from independent claim 31 for at least the reasons cited above with respect to the rejection of independent claim 31 under 35 U.S.C. § 102(b). Therefore, Applicant submits that claim 32 is non-obvious over the Lourette reference in view of the Official Notice taken by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 32 under 35 U.S.C. § 103(a). Claim 32 is believed to be in condition for allowance and such favorable action is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1-47 are now in condition for allowance. Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-47. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. It is believed that no fee is due in conjunction with the present amendment. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

John S. Golian
Reg. No. 54,702

SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550